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IN THE

Supreme Court of the United States

October Term, 1965

No. 4591

TILDEN W. JOHNSON,
Petitioner,

vs.

GOODYEAR TIRE & RUBBER CO., and FORD MOTOR COMPANY,
Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

TILDEN W. JOHNSON,
Propria Persona
or Per Se.

WESTERN PRINTING CO., WHITTIER—OX 9-1722

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"B"—March 30, 1965 Judgment of Appeal Dismissal.

"C"—May 20, 1965 Order Denying Rehearing of Appeal Dismissal.

"D"—Order of July 23, 1965 Denying Petition to File Petition for Order or Mandate District Court Render An Appealable Judgment or Enter Formal Abatement to Await Outcome of State Court Suit.

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IN THE

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vs.

GOODYEAR TIRE & RUBBER CO., and FORD MOTOR COMPANY,
Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

Petitioner prays for a writ of certiorari issue to review No. 19,846 Appeal Dismissal Order and Judgment of March 30, 1965 of the United States Court of Appeals for the Ninth Circuit as ambiguous and uncertain, and May 20, 1965 denial of a rehearing to clarify and to consider recently discovered million dollar adverse financial interest sufficient to justify voiding prior judgments and orders per sections 454 and 455, 28 U.S.C.

Review also requested of July 23, 1965 denial of petition 20,207 (in same case, 584-57WM) to file a petition for an order outlining duties of District Court upon return of said Appeal Dismissal 19,846, and subsequent failure of Ninth Circuit to clarify denial of said 20,207 petition to indicate status of 584-57WM in District Court upon eventual return of said ambiguous appeal dismissal.[1]

OPINIONS, JUDGMENTS AND ORDERS

No opinions have been filed in the case since its filing May 6, 1957. Lack of opinions causes ambiguity in interpretation of orders and judgments by subsequent courts so the case is now about 1700 pages in length — State and Federal causing this petition for certiorari. Judgments and orders are as follows:

The purported negligence only, judgment of May 22, 1958 of District Court is quoted in Record on Appeal P. 380-84.

The order of appeal dismissal No. 16,156 and the Ninth Circuit Mandate of April 20, 1959 entry is quoted in appendix of lodged opening brief in 9th Circuit and in record on appeal page 455-61.

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[1]Apparently appeal dismissed as premature for not passing on all causes of action in 1958 and thus 1964 orders after abatement for state court action were not appealable as orders after a final judgment, but this point should be cleared up by being made certain to prevent further Federal District Court and California State Court errors in interpretation of said dismissal. This case in personam now in both courts, state and Federal.

Order of Sept. 14, 1964 denying continuance of abatement (and thereby admitting an abatement had existed, i.e. a non-existent abatement continuance could not logically be denied) is quoted in Record on Appeal page 481 and appendix of lodged opening brief in 9th Circuit (each Supreme Court Justice should have a copy) and is referred to in the order of District Judge Wm. C. Mathes of Nov. 24, 1964 entry, holding 584-57WM dismissed since April 20, 1959 quoted in Appendix "A" herein.

The Ninth Circuit order and judgment of appeal dismissal No. 19,846 is quoted in appendix "B" herein.

The Ninth Circuit order denying a rehearing of appeal dismissal on May 20, 1965 is quoted in appendix "C" herein.

The Ninth Circuit order of July 23, 1965 denying a petition to file a petition for an order and/or mandate the District Court render an appealable judgment by passing on all causes of action is quoted in appendix "D" herein.

JURISDICTION

The order of Appeal Dismissal and judgment pursuant thereto was entered March 30, 1965; appendix "B," infra. Rehearing to clarify or void judgments was denied May 20, 1965; appendix "C," infra.

Denial of petition to file petition for writ of mandate or order district court issue an appealable judgment or abate for outcome of State Court suit, petition No. 20, 207 was entered July 23, 1965; appendix "D," infra and clarification not made after request of July 25, 1965. The jurisdiction of this court is invoked under 28 U.S.C., Section 1254(1), judicial notice requested of any inadvertent omissions.

QUESTIONS PRESENTED

1. Where a Federal judge has used graduation from Harvard University and Presidency of the Los Angeles County Bar Association in 1943-44 as a stepping stone to Federal Judge appointment in 1945: *Are his findings and judgment void or voidable* at option of injured party under section 455, 28 U.S.C. for sitting with adverse financial or improper interests in this case which was filed May 6, 1957 and recently discovered records show: (a) a member of Goodyear Co. defense firm became a trustee of said bar association in 1957-59 and the firm and Ford firm made enough legal profit, $10,000 to $16,000, from ambiguous orders making legal work in this case to pay said bar trustee for work thru said association to help get said judge a salary and pension increase worth thousands of dollars; and (b) where Ford Foundation was principal owner of Ford Motor Company and a major stockholder in insuring company employing Ford attorneys, and said foundation during the pendency of said case before said judge was purportedly giving Harvard University about $2,000,000. per year to increase Harvard prestige for judicial preference for judgeship appointments and advocating higher judicial salaries and pensions which activity subsequently profited said judge thousands of dollars and said judge permitted said Ford attorneys to write the contested findings and judgment?

2. Is a dismissal of an appeal void under section 455 of 28 U.S.C. for sitting with adverse or improper financial interests where two members of a three judge appeal panel were under like conditions and obligations as the judge in question 1?

3. Is the condition set forth in questions 1, and 2 also contrary to section 454 of 28 U.S.C. in that it constitutes a de facto practice of law from the bench by representation of said foundation and bar association (real parties in interest) in a legal capacity?

4. Is the condition set forth in question 1, 2 and 3 also a violation of section 453 of 28 U.S.C. in that individuals like petitioner must live with permanent disabling injuries and loss of income and be forced to spend money and time filing endless legal papers, 1700 pages in State and Federal Courts, to meet ambiguous court orders while judges get their salaries and pensioned increased and the legal fraternity enriches itself, and insurance companies avoid their responsibilities and automobile and tire manufacturers get rich from false advertising, or has the actions of the judges kept 584-57W still pending in Federal and State Courts until petitioner perhaps finally gets an equitable judgment?

5. Where the corporations Ford and Goodyear incorporated in Delaware have general offices respectively in Michigan and Ohio, but California is the most populous state with most cars and Ford and Goodyear

have more dealerships and sales in California than any other state: does California become a principal state of business so diversity of citizenship is lacking where a California resident sues Ford and Goodyear in Federal Court? (see p. 8, ll. 9-25 of Judge Mathes hearing remarks Sept. 14, 1964.)

6. Where a Ford car is purchased new from a California corporate dealership and Ford and its tire supplier Goodyear are sued by a California resident as foreign corporations: does a Federal Court because of equity, etc. lose jurisdiction of subject matter for causes of action such as breach of express and implied warranties and fraudulent advertising, and California Strict Liability of the *Vandermark v. Ford* type, 61 C. 2d 256, and *Hansen v. Firestone,* 276 F. 2d 254; *Henningsen v. Bloomfield Motors & Chrysler,* 161 A. 2d 69? (b) Can a Federal Court in such circumstances assume jurisdiction of the severable tort of negligence, and if so is the federal judgment valid to any cause of action but the negligence cause passed upon?

7. Where a Federal Court undertakes to try a tubeless tire dirt wedging failure in an improvised curve zoned 40 miles per hour where causes of action exist as to negligent testing, breach of express and implied warranties and/or fraud, and California Strict Liability of the *Vandermark v. Ford* type, *supra,* can the Federal Court stop with negligence findings and judgment only, without its judgment being premature

as in *Thompson v. Murphy,* 93 F. 2d 38 unless conformed as in *Walker v. Pearson,* 195 F. 2d 300 so as to dismiss for lack of jurisdiction of subject matter all causes other than negligence, so a state court can try the dismissed causes?

8. Where a Federal Court undertakes to try Goodyear tubeless tire dirt curve wedging failure on a Ford car and passes on negligence only, refusing to hear a motion made under Federal Rules of Procedure 52(b) to find and pass on all causes of action: is the purported Federal Judgment premature and non-appealable as in *Greenwood v. Greenwood,* 234 F. 2d 276; and *Steven v. Turner,* 222 F. 2d 352, and should the principle of these cases be applied uniformly in all Circuit Courts of Appeal in the United States?

9. Where an appeal court grants a dismissal of an appeal or denies the filing of a petition for an order or mandate by the simple assertion the dismissal or denial follows an inspection of the records and a motion argued by moving party in opposite directions: is such denial of a motion or dismissal of an appeal ambiguous where the record shows the possibility of conjectures and arguments of many possibilities in opposite directions? (b) In such case where a court asserts an inspection of a record impels a ruling: is it the duty of the court to specifically point out what in the record impels the decision of the court?

10. Assuming for argument only that the purported judgment of May 22, 1958 may be a final judgment as to negligence only; and since the appeal dismissal mandate in appeal 16,156 of 1959 commanded the district court to take such action as according to the laws of the United States and right and justice ought to be had, can the appeal court upon an appeal of whether the District Court proceeded according to the laws of the U.S.A. and right and justice in an order after judgment relative to four causes of action never passed upon dismiss an appeal, lawfully, without writing an opinion thereon specifically ruling on the facts and law applicable to causes of action not passed upon by the District Court? (see Judge Mathes remarks during hearing on Sept. 14, 1964, record on appeal on page 13, l. 9-20 advising pressing a state court suit on causes he never passed upon, clearly indicating he never issued a final judgment on all causes before him, only negligence)

STATUTES INVOLVED

The Constitution of the United States, Article III, section 2, subsection 2 provides — "The Supreme Court shall have appellate jurisdiction, both as to Law and Fact, with such exceptions, and under such regulations as the Congress shall provide."

Section 1254(1) of 28 U.S.C. provides "Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods: (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;"

Section 455 of 28 U.S.C. provides: "Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein."

The court is requested to take judicial notice of any statutes, rules, cases or laws petitioner has perhaps inadvertently overlooked in this petition and to specifically note 28 U.S.C., Sections 1331(a), and 1332(a) establish original District Court jurisdiction the sum being over $10,000., petitioner residing in California and Ford and Goodyear incorporated in Delaware with general offices respectively in Michigan and Ohio.

STATEMENT

A 1955 Ford was purchased about March 1, 1955 from a California Corporation authorized Ford Dealer, Culver Motors, Culver City, California, equipped with Goodyear tubeless tires as advertised see appendix page 1-6 of Record of Appellant's Opening Brief, Lodged about April 1, 1965 in Ninth Circuit, ten copies of which should be in Supreme Court record on appeal file (1 copy for each justice). See "Statutes involved" for district court jurisdiction requirements.

Following tubeless tire failure from dirt wedging between tire and rim in an improvised dirt curve partly in a field zoned 40 miles per hour on U.S. Highway 36, about 45 miles East of Denver, Colorado on a cross country trip on May 13, 1956, Ford and Goodyear de facto agents regarding liability represented they could prove tubeless tires superior to tube type tires, said tube type tires then having a factor of safety of about 3 as required by good engineering safety standards. Therefore Federal Court was selected in Los Angeles for later transfer to Federal Court in Colorado to include Colorado Highway Dept. Said Ford and Goodyear de facto agents upon learning tubeless tires factor of safety in improvised curves was known by Ford and Goodyear testers to have factors of safety of less than *one* refused to pay their just share of expense to transfer to Colorado, and the suit was tried to Ford and Goodyear alone in Los Angeles by the Hon. District Court Judge Wm. C. Mathes without a jury about Feb. 28, 1958.

The facts stated originally were broad enough to support causes of action for negligence, strict liability, breaches of express and implied warranties and fraudulent advertising causing Highway Dept. to leave dirt curves zoned 40 mph. It appears Judge Mathes believed the California Dealer over whom he had no jurisdiction prevented him trying express and implied warranties and fraud on which he then erroneously believed strict liability also depended. Therefore Judge Mathes stopped with negligence findings and judgment only, negligence being a severable tort, and refused to hear a motion filed March 27, 1958 to find on all facts and pass judgment on all possible causes of action. His findings and judgment Record on appeal P 380-384 show he found after consulting the pleadings that the speed of the car and condition of the road induced by false advertising causing the car to be trusted to a dirt bank located in a field before tire failure were proximate causes as the tire did not fail on the paved road sufficient to leave a pavement scrape.

According to the pleadings he could have proceeded to find breaches of express and implied warranties or fraudulent advertising caused the highway to leave an improvised dirt curve partly in a field zoned 40 miles per hour, but believing he had no jurisdiction of subject matter of these causes, he stopped with negligence.[2]

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[2]He erred on negligence.

Judge Mathes decision was appealed, the principal appealed point being he did not proceed to judgment for petitioner as he should on California Strict Liability Law, and breaches of express and implied warranties and/or fraudulent advertising causing the highway department to zone an improvised dirt curve 40 miles per hour. Since Judge Mathes did not show by the record that he disposed of these other causes of action and refused to hear a motion to dispose of them by findings and judgment and failed to dismiss these other causes for "lack of jurisdiction of subject matter" according to his expressed belief, it is apparent his judgment on negligence was premature and non-appealable. Petitioner had lost a years wages from the injury and asked appeal bond be delayed or to proceed in forma pauperis, but the Appeal Panel of Justices Stanley N. Barnes, Albert Lee Stephens, Sr., and Wm. Orr dismissed the appeal on Ford motion to dismiss and an inspection of the record obviously noting its prematurity and returned the case to Judge Mathes to take such action as required by the laws of the United States and Right and Justice. See Record on Appeal P. 455-61 or Appendix A-9 of Lodged Opening Brief in Supreme Court file as 10 requested.

Upon receipt of said mandate the District Court took two actions to comply with said mandate: (1) advised petitioner through the Clerk's office to file State Suit in Superior Court and (2) entered the mandate of the Appeal Court.

State suit was immediately filed case 721,951 which included Culver Motors of California incorporation the same domicile as petitioner. Whether officially recorded in April, 1959 it is submitted this was an action of Federal abatement for State Court action on strict liability breach of express and implied warranties and/or fraud.

Five years later, April 1964, the State Court was met by the sudden plea of Ford and Goodyear attorneys the Federal purported negligence judgment of May 22, 1958 was res judicata to all causes of action. The State Judge while expressing the belief the plea was not good because not pleaded in their answer (a federal action was denied in their verified answer), nevertheless granted their plea of Federal res judicata to all causes of action because of ambiguous judgment of May 22, 1958 which was appealed giving petitioner time to ascertain abatement status of the Federal suit.

At first Judge Mathes on Sept. 14, 1964 admitted Federal abatement since April 20, 1959 by denying continuance of the abatement (he could not logically deny continuance of a non-existent abatement) stating during the hearing petitioner was well advised to file the State Suit where all causes of action could be tried. Petitioner then moved for judgment on strict liability with interest from May 22, 1958 or findings and judgment on all causes of action cognizable from the pleadings. Judge Mathes then reversed his prior order and gave effect to his second action in April

1959 by stating in compliance with the Appeal Court mandate of April 20, 1959 entry that the entry of said mandate terminated case 584-57WM in Federal Court and advocated appeal to determine which of his actions was correct before entering judgment for Petitioner.

These actions of Judge Mathes were appealed in appeal 19,846 appendix herein, and Ford moved to dismiss citing cases that 584-57WM was final on April 20, 1959 and citing cases showing that if 584-57WM was not final, that Judge Mathes 1964 orders were not orders after a final judgment and therefore not appealable and appeal must be dismissed. At the hearing of said motion to dismiss the appeal, petitioner opposed the Ford contention 584-57WM became final April 20, 1959 and showed a motion to pass on all causes of action by findings theron filed March 27, 1958 had never been heard by Judge Mathes and that according to *Greenwood v. Greenwood,* 234 F2d 276; *Stevens v. Turner,* 222 F2d 352, and *Thompson v. Murphy,* 93 F2d 38; and *Walker v. Pearson,* 195 F2d 300 that Judge Mathes had never rendered an appealable judgment.

The Ninth Circuit Court of Appeals then according to appendix B & C herein dismissed the appeal and denied a rehearing to clarify the dismissal by an opinion segretating the contradictory cases cited by Ford Counsel. The Appeal Court evidently thought such clarification unnecessary, but upon submitting the stayed judgment of appeal 19,846 dismissal to

the Law clerk of the District Court Chief Judge and to the District Court Clerk, they considered it ambiguous, and Ford and Goodyear argued the District Court and the Ninth Circut were just indulging themselves and that the appeal dismissal confirmed Judge Mathes Nov. 24, 1964 order; whereas petitioner considered the appeal dismissal had just returned the case 584-57WM to pend incomplete in District Court according to some cases cited by Ford attorneys until the state action concluded or the Federal Court passed judgment on all causes.

Thereupon petitioner filed a petition No. 20,207 appendix "D" herein for leave to file a petition for a write of mandamus or an order to the District Court to proceed to pass on all causes of action or to abate to make status of 584-57WM certain, but the Ninth Circuit Court of Appeals, Justices Stanley N. Barnes, Gilbert Jertberg, and Walter Ely evidently believing the appeal dismissal a sufficient document denied leave to file for said order, and refused to clarify their denial with words to show what they observed in the record to impel the denial of the petition 20,207.

Inasmuch as Ford and Goodyear attorneys argue that if the Appeal 19,846 dismissal is returned to the District Court without Supreme Court Appeal that 584-57WM upon return will be res judicata in Federal Court, petitioner files this petition for certiorari invoking the right of the Supreme Court to review these proceedings and to supervise the lower involved

courts and determine whether well trained Harvard and USC graduated judges who are members of the Los Angeles County Bar Association, judges Mathes and Justice Ely being former Presidents, have preserved this pro per case since May 6, 1957 giving a pro per a chance to win an equitable judgment, or whether these Bar Association and University graduates have just issued ambiguous court orders enabling to this date defense firms also members of said association to run up defense income of reportedly between $10,000. and $16,000. in this case grossly violating sections 454 and 455 of 28 U.S.C. which violation should void their judgments and dismissals of appeals herein, leaving 584-57WM incomplete in Federal District Court anyway.

REASONS FOR GRANTING THE WRIT

1. Volume 4 of Record on Appeal, Nov. 24, 1964, hearing page 3, lines 23-25 and page 4 plus order of Nov. 24, 1964 quoted in appendix "A" herein clearly indicate Federal District Judge Wm. C. Mathes who tried case 584-57WM on Feb. 28, 1958 believes petitioner is entitled to judgment with interest since May 22, 1958 for face of suit in California Strict Liability, breaches of express and implied warranty and fraudulent advertising though he only entertained jurisdiction to negligence and found Goodyear and Ford conduct not negligent. Judge Mathes then blames the Ninth Circuit for an ambiguous appeal dismissal entered April 20, 1959 for making it impossible for him to do justice to petitioner and recommends trying said causes in a pending state court action. These ambiguous court orders and judgments possible to read two ways causes the state court to demand clarification before proceeding with its trial on causes of action Judge Mathes believed he lacked jurisdiction to try in federal court because of California dealer involvement of same state domicile as petitioner.

This in turn requires the Supreme Court to invoke its U.S. Constitutional duty outlined in Article III, section 2, subsection 2 to supervise and complete per regulations of Congress. The Supreme Court should review the Dec. 16, 1954 House Report No. 2681 pursuant to House Res. 217 creating a Committee to investigate and report on Tax-Exempt Foundations

and particularly note pages 7 and 210 and the general report on unfair trade possibilities and corruption from foundation activity, in view of inequitable foundation activities of historical record through Egyptian, Roman and English History for thousands of years.

It appears that in 1925 Congress did not want to vote funds to enable the Supreme Court to employ a staff of possibly 1000 Supreme Court Commissioners to review and write opinions and reexamine facts in appeals flooding the Supreme Court, and the resulting Judiciary Act of Feb. 13, 1925 practically eliminated the third line of defense relied on for ages to keep lower courts corruption resistant. By this time, August, 1965, Tax-Exempt Foundations in the U.S.A. total 16,000 with stock and bonds of fourteen billion dollars, and a billon dollars a year tax free dividends, distributing gifts to enable a few universities to get most judicial appointments. The records show these foundations have entered the insurance business and are the major stockholders of insurance companies insuring automobiles and tires. The Ford and Rockefeller Foundations are major stock holders, (see their annual reports) of insurance companies of Ford and Goodyear, and they employ Ford and Goodyear attorneys who have written all findings and judgments in this case while these stockholders passed millions in purported gifts to universities instrumental in securing original judicial appointments for the involved judges and justices.

Further since 1925 Bar Associations have grown rapidly and law library journals 1925-35 show articles written then that plainly stated the way to reduce the numbers of attorneys was to set up bar examinations controlled by readers from the major universities (receiving the biggest foundation gifts, incidently) so no one could pass a bar examination without such universities first permitting them to enroll as law students with years of attendance required. Since 1925 attorney admittance has been drastically reduced, and this in turn has enabled insurance companies and corporations to evade suits for limited torts by inducing existing attorneys to remain substantially idle. This is being done by insurance companies and corporations making it known they only engage attorneys pricing themselves from $25. to $75. an hour. Attorneys are thus forced to price themselves out of public reach say 25 days in a month in order to get 5 days of high priced work from insurance companies and corporations. Further these high legal service pricing techniques enable corporations and wealthy individuals to violate corrupt political practice acts both state and federal by useless legal arguments so political activity they are directing can be paid for this way and charged off as necessary business expense.

Since these developments strike at the very cornerstones of justice, the Supreme Court should grant the writ and pass on the questions presented in an effort to either control these activities by appropriate actions

or to ask Congress for necessary funds to employ boards of case fact and law review composed of commissioners to stop the wave of tort law breakdown in the U.S.A. and the spiraling crime rate feeding from original tort law breakdown.

2. Likewise, automobile cases are clogging the courts in the U.S.A. and attorneys need modern questions such as propounded herein answered in one case, so they can quickly see the possibility of utilizing or by-passing federal courts in certain automobile cases.

3. Due to the aforesaid bar associations limiting attorneys and insurance companies and corporations cornering the legal talent profession in some big cities, counties and states, more individuals like petitioner unable to pay attorneys $25. to $75. per hour will have to file their own cases. By passing on the questions here propounded showing federal judges whose universities draw big sums from foundations to maintain superior centers of education should justify such expenditures that they receive benefit from by taking judicial notice in propria persona cases of laws, court rules, case decisions, and facts, the Supreme Court can place in proper perspective proper and improper foundation activity to supplement the Congressional Investigation started by House Resolution 217, supra.

By reviewing this case and answering the questions propounded herein the Supreme Court can promote justice generally and specifically in this case

by showing either (1) that Harvard trained district judge Wm. C. Mathes, and Justice Stanley N. Barnes, and University of Southern California trained Justice Albert Lee Stephens of the 1959 Ninth Circuit appeal dismissal panel and Justices Barnes, aforementioned and Walter Ely of the 1965 Appeal Panel have so handled this case that the Federal District Court can when the case is returned to it enter the judgment for petitioner that Judge Mathes indicated on Nov. 24, 1964 petitioner was entitled to receive, or (2) if the Supreme Court finds improper judicial conduct of this case, the Supreme Court can promote justice by voiding Judge Mathes 1958 judgment and 1959 Ninth Circuit Appeal Dismissal 16,156 and the 1965 Appeal Dismissal 19,846 and return this case to Federal District Court for trial anew. The lodged Opening Brief in the Ninth Circuit which Ninth Circuit Clerk, Frank H. Schmid has been requested to send 10 copies of to the Supreme Court so each Justice will have a copy shows on page 6 in the appendix an article or serial of an interview in which Henry Ford II admitted all the allegations of plaintiff complaint of 1957. In view of this nationally published admission by the Ford Company of the general allegations of petitioners complaint, the Supreme Court should not stand by and let lower federal judges be stuck with a judgment for Ford and Goodyear while Ford admits such decision would be in error while said Federal Judges' universities were receiving millions from foundation stockholders in insurance companies while their attorneys wrote the findings and judgments.

Exhibit "E" appendix herein shows a typical 1955 Goodyear tubeless tire ad. Exhibit "F" appendix herein shows a composite sheet of photographs showing speed limit of 40 mph for improvised curve, a well banked inside path of negotiation, a greater radius paved wrong way bank path of negotiation, and a third path of negotiation by use of an improvised dirt banked curve partly located in a field and the wrecked car with the right front tire. Exhibit "G" appendix herein reproduces a serial interview giving biography of Henry Ford II printed Dec. 1964 in which Henry Ford II admits too many changes in a car at once almost caused him 4 accidents in one day, and that a design changed car in 1949 was estimated as having 8,000 design bugs in it.

CONCLUSION

Petitioner has never had a review of the points raised by him on appeal. Petitioner is entitled to his day in court and either a writ of certiorari should issue on all questions herein raised in order that this may be done, or as *in Wm. Cramp & Sons v. International etc.*, 228 U.S. 645, the Supreme Court should discuss matter herein as generally or as specifically as possible and remand this case to the District Court so the judgment Judge Mathes agrees should issue for petitioner in strict liability etc. may issue.

Respectfully submitted,

TILDEN W. JOHNSON, *Per Se or Propria Persona*

APPENDIX "A"

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT
OF CALIFORNIA
CENTRAL DIVISION

TILDEN W. JOHNSON, Plaintiff,	)	
vs.	)	No.
GOODYEAR TIRE & RUBBER COMPANY, INC., and the FORD MOTOR COMPANY, Defendants.	)	584-57 WM

AMENDED ORDER DENYING MOTIONS OF PLAINTIFF

[Filed Nov. 24, 1964, Clerk U. S. District Court Southern District of California, By E. Frenero, Deputy.]

The Motion for Entry of Judgment in Favor of Plaintiff came on specially for hearing on October 26, 1964, before the Honorable William Mathes, United States District Judge, Tilden W. Johnson, plaintiff, appearing in propria persona, Robert McGurl, Esq. of Crider, Tilson and Ruppe' appearing for defendant, Goodyear Tire and Rubber Company, and Edward K. Nance, Jr., Esq. of Moss, Lyon and Dunn ap-

pearing for the defendant Ford Motor Company and it appearing to the court that plaintiff's Motion To Continue Abatement of the within action had been denied after hearing on September 18, 1964, and it further appearing from the Memoranda and Declarations filed herein by plaintiff and from the court file of the matter that:

1. The within action was filed May 6, 1957,

2. The defendants appeared and answered the Complaint and, after the case was at issue, it was tried before the Honorable William Mathes sitting without a jury, commencing on February 28, 1958.

3. The said trial of the cause resulted in a judgment in favor of defendants and against plaintiff. Amended Findings of Fact and Conclusions of Law were entered May 22, 1958, and judgment pursuant thereto was duly entered.

4. Plaintiff appealed from said judgment, but failed to post the required bond, and said appeal was dismissed by the court of Appeals for the Ninth Circuit on February 18, 1959. On April 10, 1959, the mandate of the Court of Appeals to this court was filed, and said mandate was ordered spread upon the records of this court, on April 20, 1959.

5. No further proceedings were had in the cause until plaintiff filed a document styled "Motion U.S.

Dist. Court Continue Abatement of This Action Pending Outcome of L. A. County Superior Court Case No. 721, 951, etc." in June of 1964; which Motion was brought on for hearing on September 14, 1964, and the Motion was denied by Order of September 18, 1964.

From the foregoing, the court finds that the judgment in the within action in favor of defendants and against plaintiff became final on April 20, 1959; that the case was closed and completed on said date and no further proceedings could be had in the cause before this court; that said judgment was a final judgment and this court has no jurisdiction to entertain further proceedings in the matter; that there was and is no abatement of the action and the judgment was in favor of defendant, and against plaintiff without qualification.

IT IS THEREFORE ORDERED that the Order of September 18, 1964 be and it is amended to read as follows: The above entitled matter being closed after entry of a final judgment, the cause was not and is not abated for any purpose and no further proceedings can be had and no action remains before this court; and the Motion of plaintiff is denied.

IT IS FURTHER ORDERED that the second Motion of plaintiff, heard on October 26, 1964 as aforesaid, is hereby denied, there being no case before the court.

DATED: October 26, 1964

WM. C. MATHES
Judge of the United
States District Court

DISAPPROVED AS TO FORM

TILDEN W. JOHNSON
Tilden W. Johnson
Plaintiff in
Propria Persona

CRIDER TILSON &
RUPPE'
By ROBERT McGURL
Attorneys for Goodyear
Tire & Rubber Company

MOSS, LYON & DUNN
By CHARLES B. SMITH
Attorneys for Ford
Motor Company

APPENDIX "B"

UNITED STATES DISTRICT COURT
OF APPEALS
FOR THE NINTH CIRCUIT

TILDEN W. JOHNSON,	)	
Appellant,	)	
vs.	)	
GOODYEAR TIRE & RUBBER CO., et al.,	)	No. 19,846
Appellees.	)	

JUDGMENT

APPEAL from the United States District Court for the Southern District of California, Central Division. This cause came on to be heard on the transcript of the Record from the United States District Court for the Southern District of California, Central Division, and upon motion of counsel for the appellees to dismiss the appeal and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court, that the motion to dismiss the appeal be and hereby is granted, and that the appeal in this Cause be, and hereby is dismissed.

Filed and entered March 30, 1965.

APPENDIX "C"

IN THE UNITED STATES COURT
OF APPEALS
FOR THE NINTH CIRCUIT

TILDEN W. JOHNSON, Appellant,	)	
vs.	)	
GOODYEAR TIRE & RUBBER CO. and FORD MOTOR COMPANY, Appellees.	)	No. 19846

ORDER

[Filed May 20, 1965, Frank H. Schmid, Clerk.]

Before: BARNES, JERTBERG and ELY, Circuit Judges

Appellant's Petition For Rehearing or Reconsideration, filed April 29, 1965, is denied.

STANLEY N. BARNES
GILBERT H. JERTBERG
WALTER ELY
United States Circuit Judges

APPENDIX "D"

At a Stated Term, to wit: The October Term 1964, of the United States Court of Appeals for the Ninth Circuit, held in the Court Room thereof, in the City of Los Angeles in the State of California, on Friday the twenty-third day of July in the year of our Lord one thousand nine hundred and sixty-five.

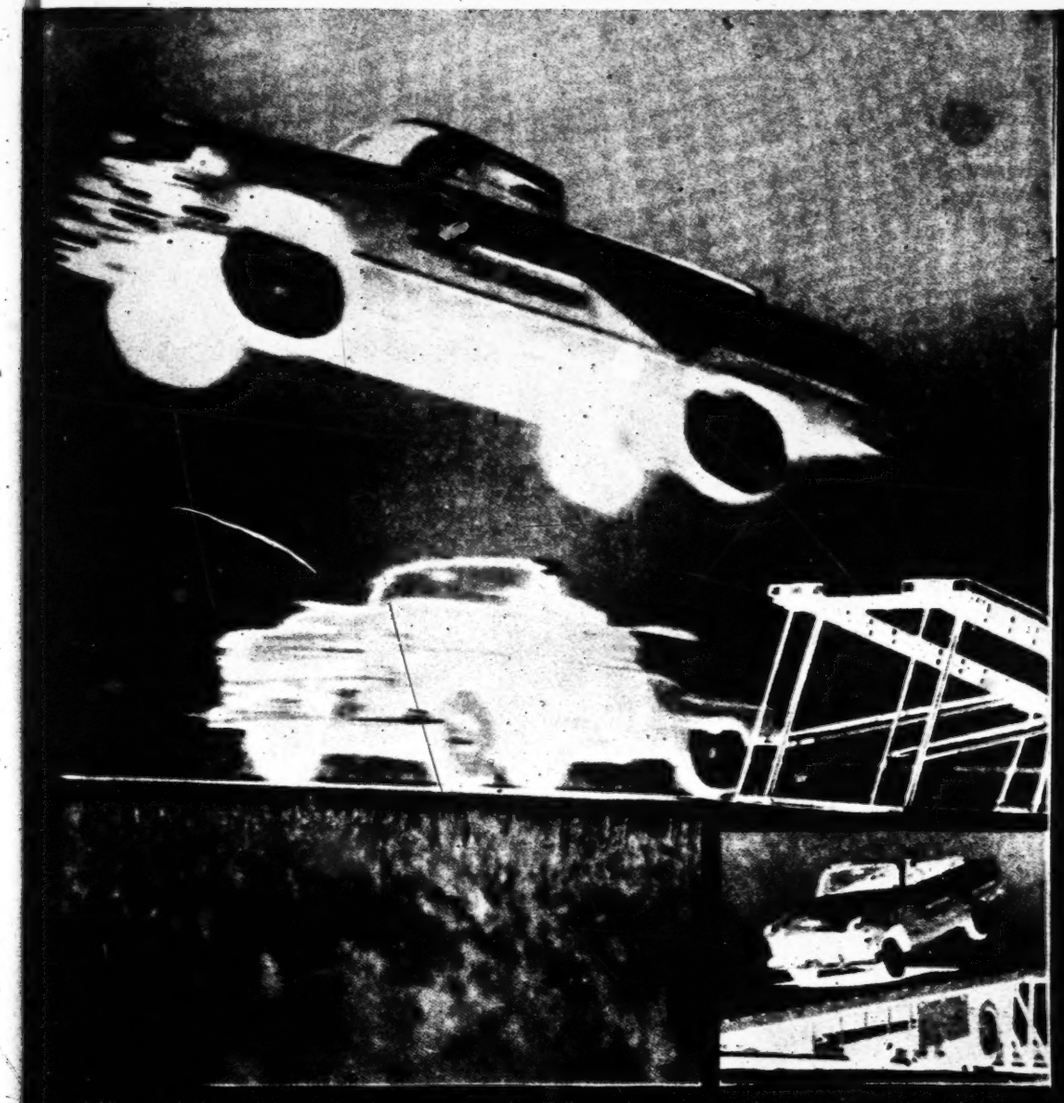
PRESENT:
Honorable STANLEY N. BARNES, Presiding
Honorable GILBERT H. JERTBERG
Honorable WALTER ELY,
U.S. Circuit Judges

TILDEN W. JOHNSON, Petitioner, vs. GOODYEAR TIRE & RUBBER CO., AND FORD MOTOR COMPANY, Respondents.	)	No. 20207

ORDER ON PETITION

The petition for leave to file petition for writ of mandamus was duly submitted on July 9, 1965 without arguments or appearances on behalf of either party.

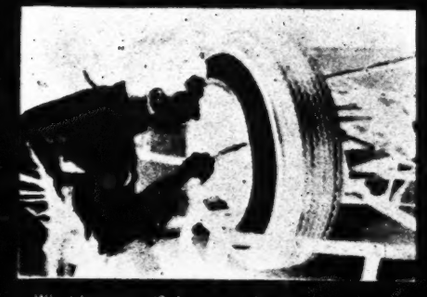
Upon consideration thereof IT IS ORDERED that the petition for leave to file petition for writ of mandamus be, and the same hereby is denied.



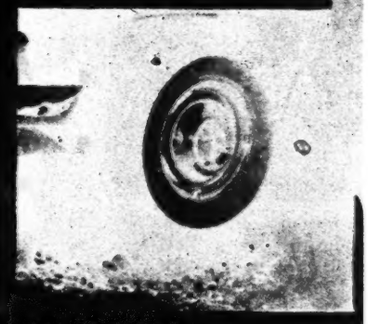
stunt drivers to try to dan

ALL-NEW TUBELESS SUPER-CUSHION!

Goodyear's new kind of tubeless tire takes smashing impacts without damage—because it's the only tubeless tire made with 3-T Cord!



What happened?



New flatter tread

more

RE PEOPLE RIDE ON GOODYEAR TIRES THAN ON ANY OTHER KIND

NEW TUBELESS SUPER-CUSHION by GOODYE

U.S. 24
LOOKING WEST
OFF AXIS
AIR LOOP
CLOSE UP CAMERA ATTACHMENT
FULL DISTANCE IN
MRS. A FIELD SHOT
Patrolman Bumpus Deposition stated he made
measurement more South than east to the
pivot point from the Road edge. This is the
Patrolman's 75 ft. distance to arrow pivot
TOWED CAR AS IT WAS
LEFT BY TOWING SERVICE IN
CARNEGIAL GARAGE IN DENVER, COLO.
Comes
Road
U.S. 40

ON A MUSIC CENTER TOUR
--California Living

LOS ANGELES EVENING AND SUNDAY
HERALD EXPRESS EXAMINER
CLASSIFIED ADVERTISING Richmond 8-4111 All Other Calls Richmond 8-1212 or Richmond 8-4141
13 SECTIONS SUNDAY, DECEMBER 6, 1964 A 25 CENTS

HENRY II
The Fabulous Ford Story

By BOB CONSIDINE
(World copyright, 1964, by Hearst Headline Service)

"You can never progress too far in this business," Henry Ford II reflected as he stared out the sweeping windows of his top floor executive suite at his Dearborn headquarters.

"The car buyer of the future will get more luxuries, more power, and quieter cars.

"There's always something more somewhere along the line. Our job is to find it, refine it, and get the public accustomed to it. You can't change the habit system of the driver in any revolutionary manner.

"Abrupt changes aren't good. I drove young Edsel up to Hotchkiss in a stick-shift Mustang, to start school. Then I changed to an automatic drive and dam' near had four accidents on the way back to New York.

"Progress in our business is evolutionary, not revolutionary. For example, you don't really need a steering wheel to drive a car.

"It could be done with a tiller, or with buttons that need only one finger to operate. Or, in time, steering could be done completely by mechanical control.

"But then we'd have to find something for the driver to do with his hands."

He's Cool on Gas Turbine Car

Ford is not keen on the gas-turbine engine for cars, though both General Motors and Chrysler have spent large sums seeking the kind of breakthrough which galvanized the aviation industry.

"Again, it's a matter of habit involved here," he told us. "When a stoplight changes to green, you're accustomed to putting your foot down on the accelerator and your car moves ahead.

"If you want to go fast, you jam it down and you jump ahead. With a gas-turbine you put your foot down and it seems like an hour before you get moving appreciably.

"It's actually only a matter of maybe 30 seconds, but 30 seconds is a long time when you're

(Cont. on Page 6, Col. 1)

Profits Soar to $265 Million

● The first truly post-war Ford, designed at a cost of $118 million, made its champaigne-popping debut at the Waldorf Astoria in 1948. Company production reached 1,726,203 units in 1949, the biggest year since 1930.

From a 1946 profit of $2000 the company soared in just four years to a net of $265 million after taxes, the most phenomenal comeback in U.S. industrial history.

● With the lifting of the last Government controls in the spring of 1953, Ford shot past Chrysler with a new model that at last removed design "bugs" which had hampered the line since the big changeover of 1949. (John R. Davis, Ford's veteran sales chief, once estimated the number of "bugs" in the '49 model at 8000.) Ford was now in second place in an industry whose aloof leader was General Motors.

● The Continental, dropped in 1948 because only 5322 had been sold since Edsel Ford proudly introduced it in 1939, was revived in 1952. William Clay Ford, youngest of Edsel's sons and inheritor of the father's reverence for good styling, was placed in charge of the project with vice presidential rank.

● Ford, beaten to the sports car punch by Chevrolet's Corvette in 1953, countered in 1955 with the Thunderbird, which surpassed all sales expectations.

● The basic 1954 Ford, endowed with a new V-8 engine with overhead valves, better steering, independent ball-joint suspension and other innovations, outsold Chevrolet for the first time in 20 years. The following year the company for the first time produced more than 3 million vehicles, up about 700,000 over 1954.

The U.S. naval base at Subic Bay is located about 120 miles north of Manila.

SUSPECTS RELAX WITH
Deputy Cecil Price (left) a

Civil Ri
Suspect

By HOMER BIGART
New York Times News Service

PHILADELPHIA, Miss., Dec. FBI agents began a stakeout of the Neshoba County courthouse at 8:30 a.m., just

moons
just be

It h
night.
stopp
maine

The Culture